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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2009-271

13 **SARITA SUNGCHEU**
7955 Vantage Avenue
14 North Hollywood, CA 91605

A C C U S A T I O N

15 Registered Nurse License No. 464950
Nurse Practitioner Certificate No. 17923

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs, State of California.

23 **Registered Nurse License No. 464950**

24 2. On or about March 31, 1991, the Board issued Registered Nurse License
25 Number 464950 to Sarita Sungcheu ("Respondent"). Respondent's registered nurse license was
26 in full force and effect at all times relevant to the charges brought herein and will expire on
27 September 30, 2010, unless renewed.

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1 **Nurse Practitioner Certificate No. 17923**

2 3. On or about December 17, 2007, the Board issued Nurse Practitioner
3 Certificate Number 17923 to Respondent. Respondent's nurse practitioner certificate will expire
4 on September 30, 2010, unless renewed.

5 **JURISDICTION**

6 4. Business and Professions Code ("Code") section 2750 provides, in
7 pertinent part, that the Board may discipline any licensee, including a licensee holding a
8 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
9 section 2750) of the Nursing Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a
11 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
12 against the licensee or to render a decision imposing discipline on the license. Under section
13 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
14 the expiration.

15 **STATUTORY PROVISIONS**

16 6. Code section 2761 states, in pertinent part:

17 The board may take disciplinary action against a certified or licensed
18 nurse or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the
20 following:

21 (1) Incompetence, or gross negligence in carrying out usual certified or
22 licensed nursing functions . . .

23 7. California Code of Regulations, title 16, section ("Regulation") 1442
24 states:

25 As used in Section 2761 of the code, 'gross negligence' includes an
26 extreme departure from the standard of care which, under similar circumstances,
27 would have ordinarily been exercised by a competent registered nurse. Such an
28 extreme departure means the repeated failure to provide nursing care as required
 or failure to provide care or to exercise ordinary precaution in a single situation
 which the nurse knew, or should have known, could have jeopardized the client's
 health or life.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)


12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct. Complainant refers to and incorporates all the allegations contained in paragraph 11, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 464950, issued to Sarita Sungcheu;
2. Revoking or suspending Nurse Practitioner Certificate Number 17923, issued to Sarita Sungcheu;
3. Ordering Sarita Sungcheu to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED: 4/28/09.


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant